

PUBLIC NOTICE

**US Army Corps
of Engineers®**

APPLICATION FOR PERMIT

LOS ANGELES DISTRICT

Public Notice/Application No.: 200400014-JLB

Comment Period: February 26th through March 31st, 2004

Project Manager: Joshua L. Burnam (213) 452-3294 joshua.l.burnam@usace.army.mil

Applicant

Robert Kanter
Port of Long Beach
Attn: Dr. Tom Johnson
PO Box 570
Long Beach, California 90801-0570

Contact

Dr. Tom Johnson 562-590-4160

Location

The proposed dredging project is located in the Port of Long Beach in Long Beach, Los Angeles County, California (at: lat:33-46-6.9960 lon:118-13-30.0000). See attached figures

Activity

To applicant proposes to dredge approximately 400,000 cy of material in the Back Channel in order to widen the channel and deepen the channel to -52 MLLW (plus a 2-foot overdepth allowance), and install a fender system at the NRG forebay/water intake structure in the Back Channel of the Port of Long Beach. The project is intended to improve navigational safety for ships transitting this area. The project will not result in an increase in vessel calls or container throughput. For more information, see page 3 of this notice and attached figures.

Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawing(s). Interested parties are invited to provide their views on the proposed work, which will become a part of the record and will be considered in the decision. This permit will be issued or denied under Section 10 of the Rivers and Harbors Act of March 3, 1899 (33 U.S.C. 403), Section 103 of the Marine Protection Research and Sanctuaries Act of 1972 (33 U.S.C. 1413), and Section 404 of the Clean Water Act of 1972 (33 U.S.C. 1344). Comments should be mailed to:

U.S. Army Corps of Engineers, Los Angeles District
Regulatory Branch
ATTN: CESPL-CO-R-200400014-JLB
P.O. Box 532711
Los Angeles, California 90053-2325

Alternatively, comments can be sent electronically to: joshua.l.burnam@usace.army.mil

Evaluation Factors

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 CFR 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Preliminary Review of Selected Factors

EIS Determination- A preliminary determination has been made that an environmental impact statement is not required for the proposed work.

Water Quality- The applicant is required to obtain water quality certification, under Section 401 of the Clean Water Act, from the California Regional Water Quality Control Board. Section 401 requires that any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers prior to permit issuance. For any proposed activity on Tribal land that is subject to Section 404 jurisdiction, the applicant will be required to obtain water quality certification from the U.S. Environmental Protection Agency.

Coastal Zone Management- The applicant is required to certify that the proposed project is consistent with the Port's approved Master Plan.

Cultural Resources- The latest version of the National Register of Historic Places has been consulted and this site is not listed. This review constitutes the extent of cultural resources investigations by the District Engineer, and he is otherwise unaware of the presence of such resources.

Essential Fish Habitat- The applicant proposes to dredge in the Port of Long Beach in inner harbor areas that have been substantially disturbed by past construction and operations. With best management practices, the proposed project would only result in short-term construction impacts to the benthic community and would not result in a permanent loss of Essential Fish Habitat for species federally managed under the Pacific Groundfish Fishery and Coastal Pelagic Management Plans. As a result, the Corps has determined that the proposed project would not adversely affect areas designated as "essential fish habitat" or species protected under the Magnuson-Stevens Act (MSA). With this Public Notice, the Corps hereby requests the National Marine Fisheries Service concurrence or non-concurrence with this determination.

Endangered Species- The California least tern (*Sterna antillarum browni*) and the brown pelican (*Pelecanus occidentalis*) utilize open water areas in the general vicinity of the proposed project for foraging and roosting. However, the proposed project area is not an active foraging or roosting area due to lack of suitable foraging and roosting habitat in the Back Channel, and constant disturbances due to containerized shipping operations. Due to the distance of the proposed project area from existing foraging areas for the above species, ongoing usage as a containerized shipping transit area, and the temporary nature of construction related impacts, the Corps has made a preliminary determination that the proposed project would not affect the above endangered species. With this Public Notice, the Corps hereby requests the U.S. Fish and Wildlife Service concurrence or non-concurrence with this determination.

Public Hearing- Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

Proposed Activity for Which a Permit is Required

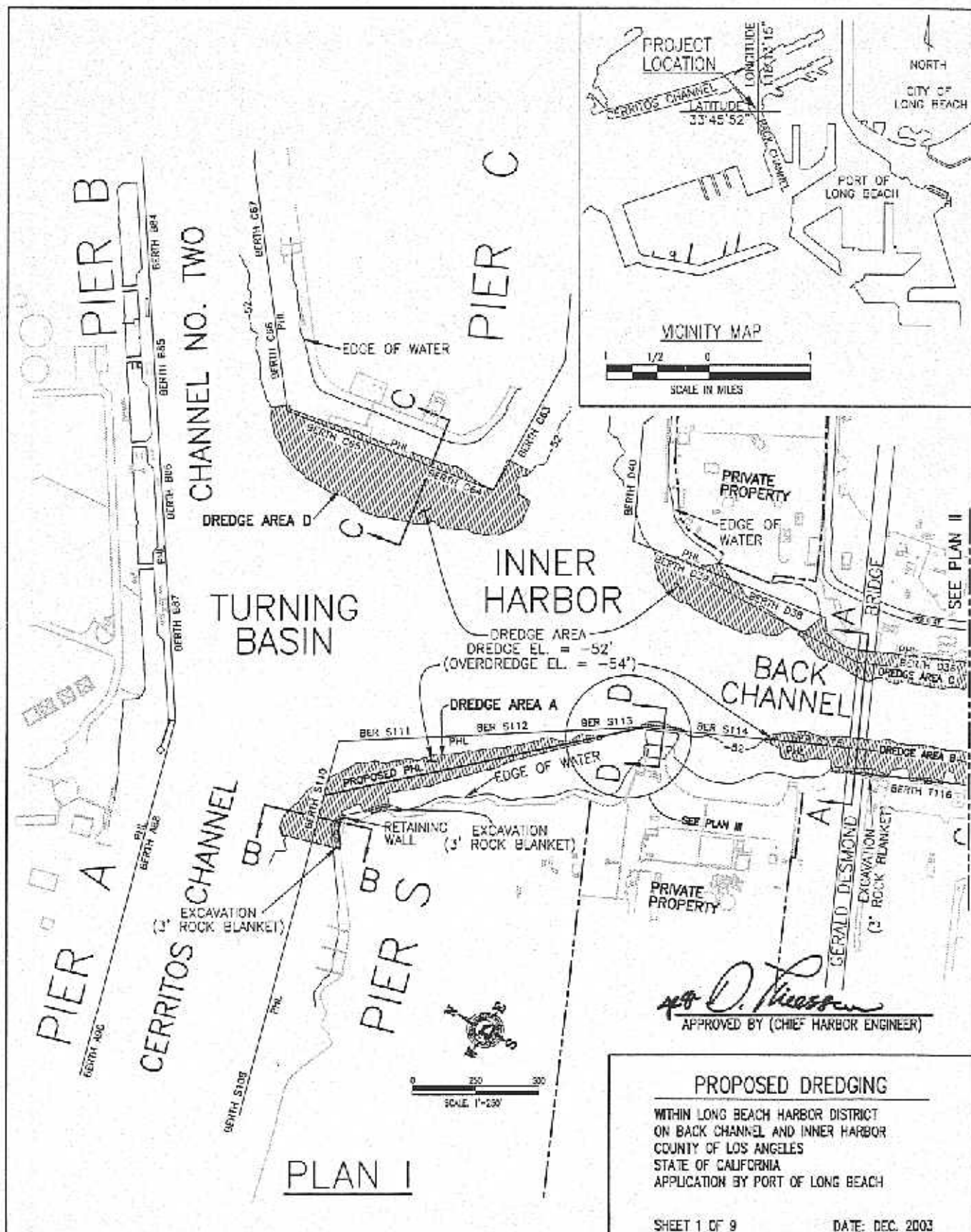
A Department of the Army permit is required pursuant to Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water act to dredge approximately 400,000 cubic yards of material, and install a fender system, in the Back Channel of the Port of Long Beach.

Additional Project Information

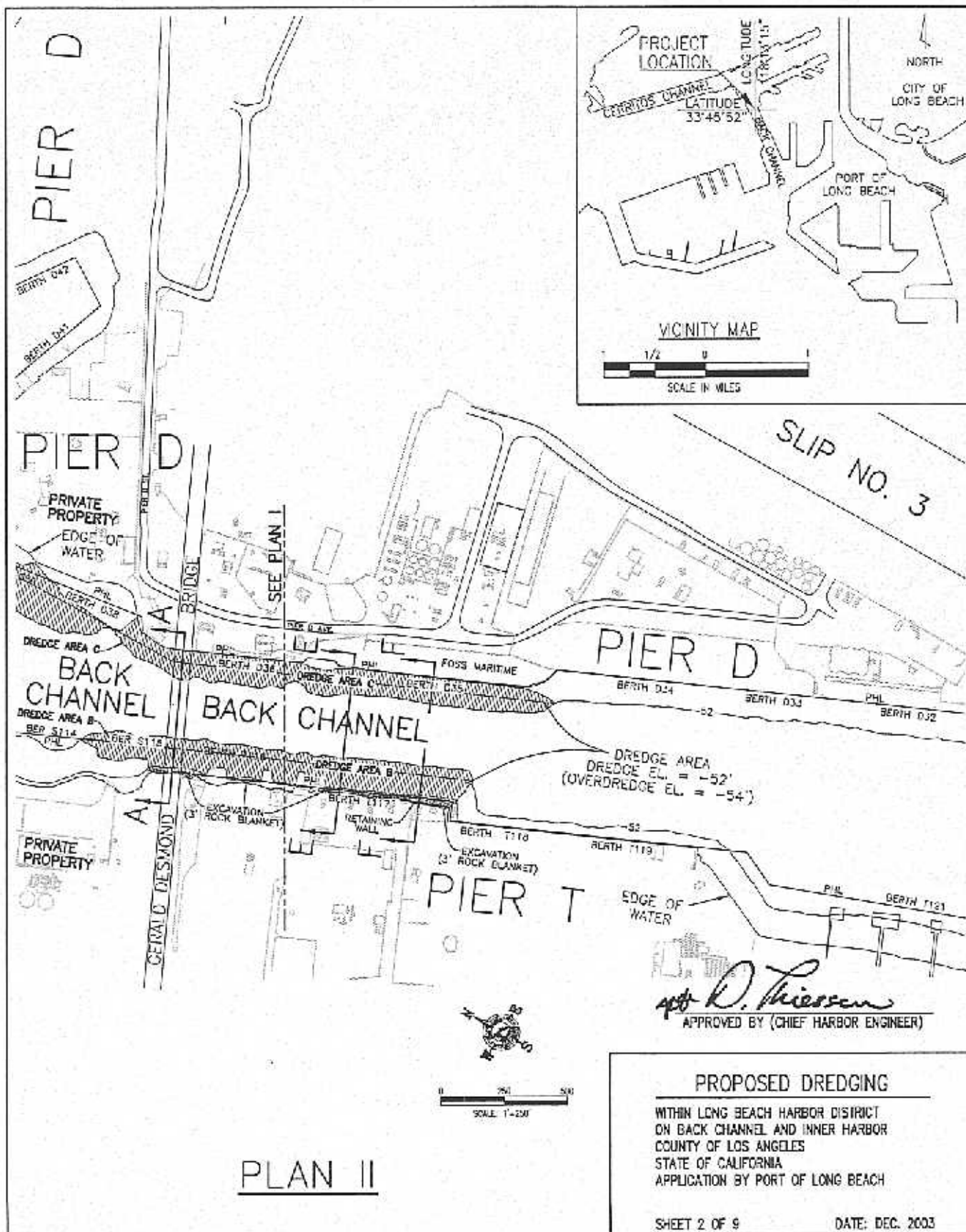
The overall project purpose of the proposed project is marine navigation safety. The project will not result in an increase in vessel calls or throughput in the Port of Long Beach; rather, this project would increase the width and draft clearances and reduce hazards to navigation for vessels currently calling the Port of Long Beach, including 8000 + TEU vessels. These vessels (current and future) would call the Port of Long Beach regardless of the proposed project; therefore, this project is intended solely to improve the safety of marine navigation in the Port of Long Beach.

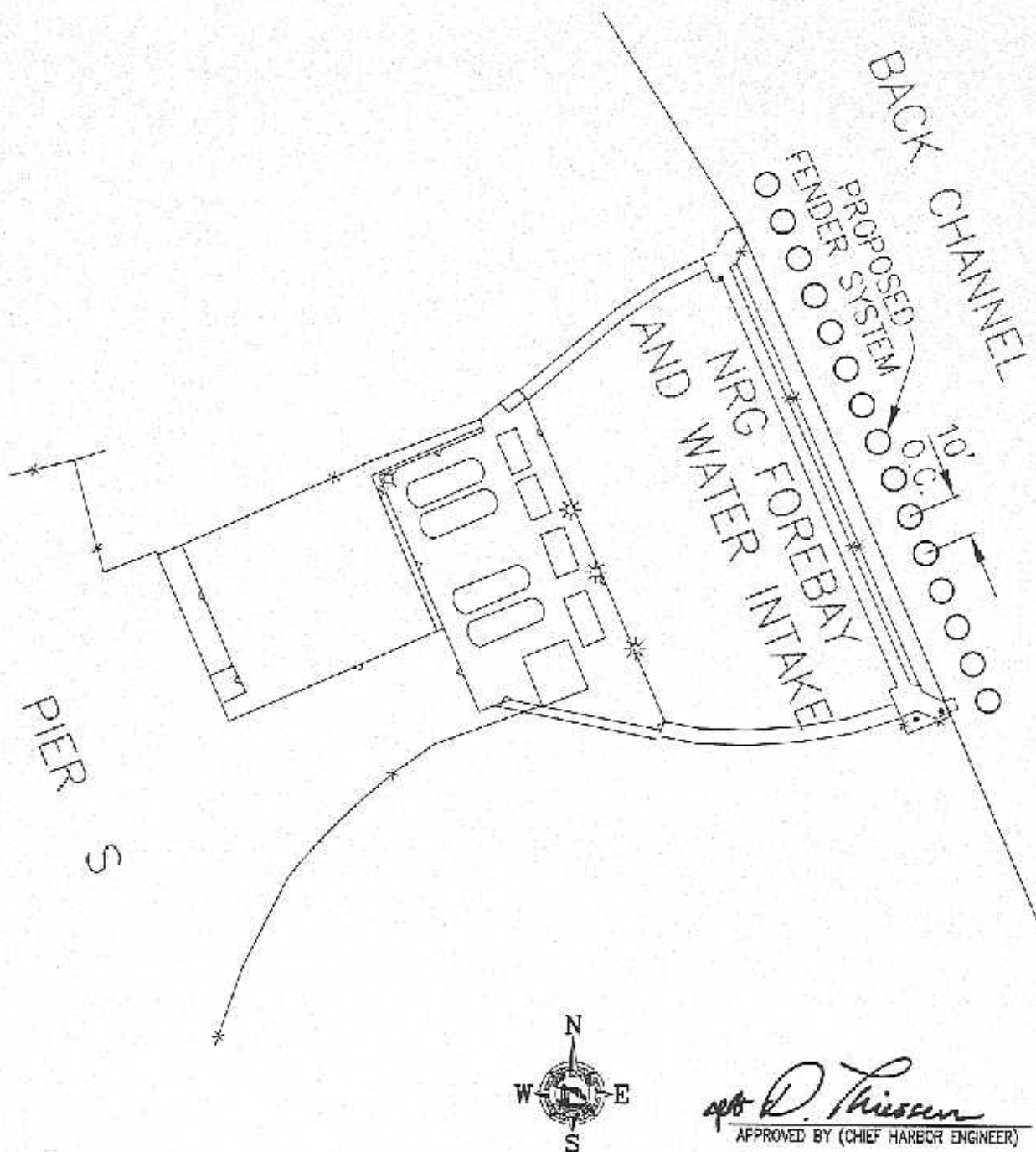
Proposed Special Conditions The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

For additional information please call Joshua L. Burnam of my staff at (213) 452-3294. This public notice is issued by the Chief, Regulatory Branch



HD 2-0922-1





apt D. Thiesen
APPROVED BY (CHIEF HARBOR ENGINEER)

PLAN III
(SCALE: 1" = 40')

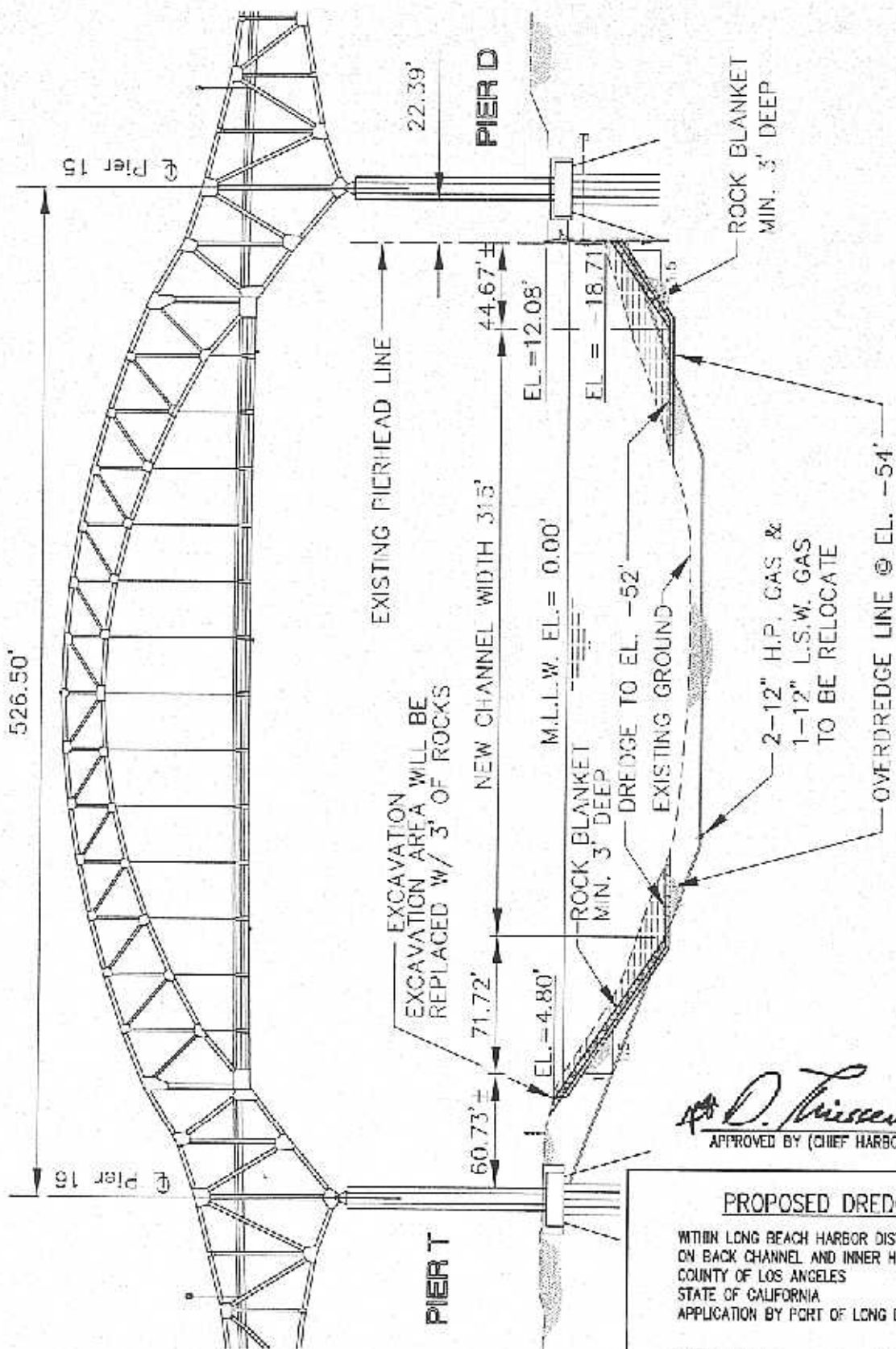
PROPOSED DREDGING

WITHIN LONG BEACH HARBOR DISTRICT
ON BACK CHANNEL AND INNER HARBOR
COUNTY OF LOS ANGELES
STATE OF CALIFORNIA
APPLICATION BY PORT OF LONG BEACH

SHEET 3 OF 9

DATE: DEC. 2003

HD 02-0922-3



D. Thissen
 APPROVED BY (CHIEF HARBOR ENGINEER)

PROPOSED DREDGING

WITHIN LONG BEACH HARBOR DISTRICT
 ON BACK CHANNEL AND INNER HARBOR
 COUNTY OF LOS ANGELES
 STATE OF CALIFORNIA
 APPLICATION BY PORT OF LONG BEACH

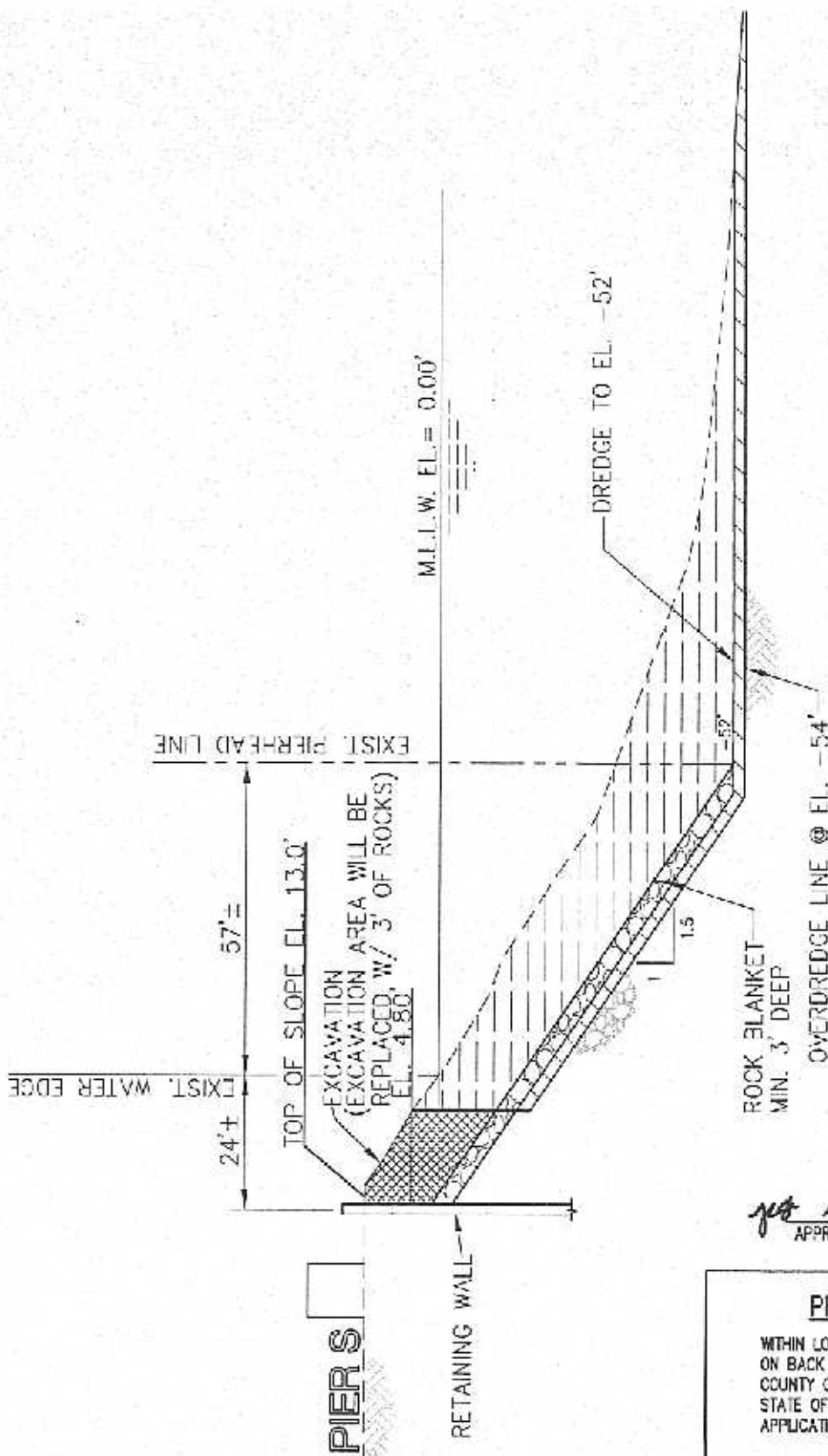
SHEET 4 OF 9

DATE: DEC. 2003

SECTION @ GERALD DESMOND BRIDGE (A)

(SCALE: 1" = 80')

HD C2-0922-4



SECTION **B**
(SCALE: 1" = 30')

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APPROVED BY (CHIEF HARBOR ENGINEER)

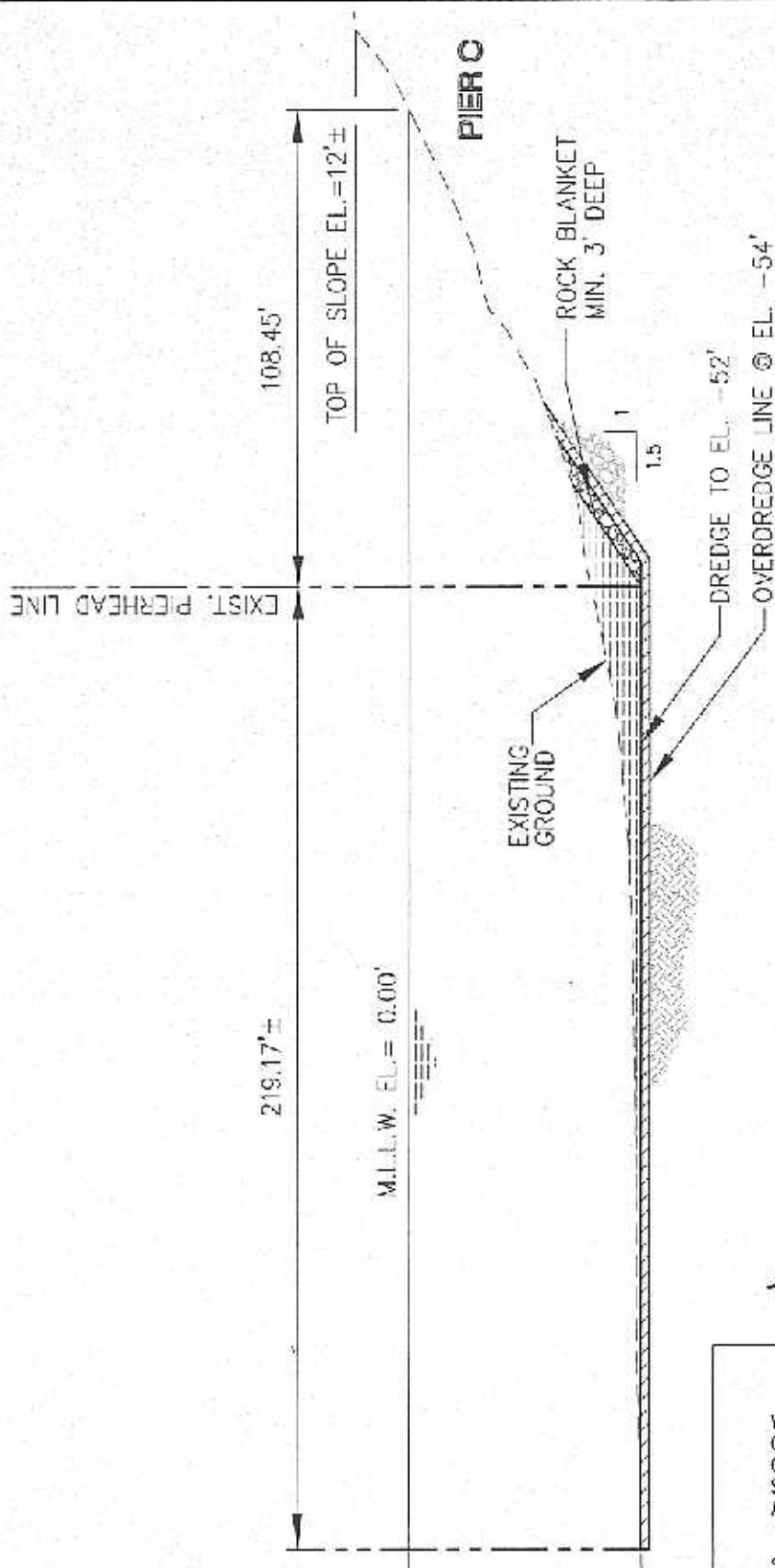
PROPOSED DREDGING

WITHIN LONG BEACH HARBOR DISTRICT
ON BACK CHANNEL AND INNER HARBOR
COUNTY OF LOS ANGELES
STATE OF CALIFORNIA
APPLICATION BY PORT OF LONG BEACH

SHEET 5 OF 9

DATE: DEC. 2003

HD 02-0922-5



SECTION C
(SCALE: 1" = 40')

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APPROVED BY (CHIEF HARBOR ENGINEER)

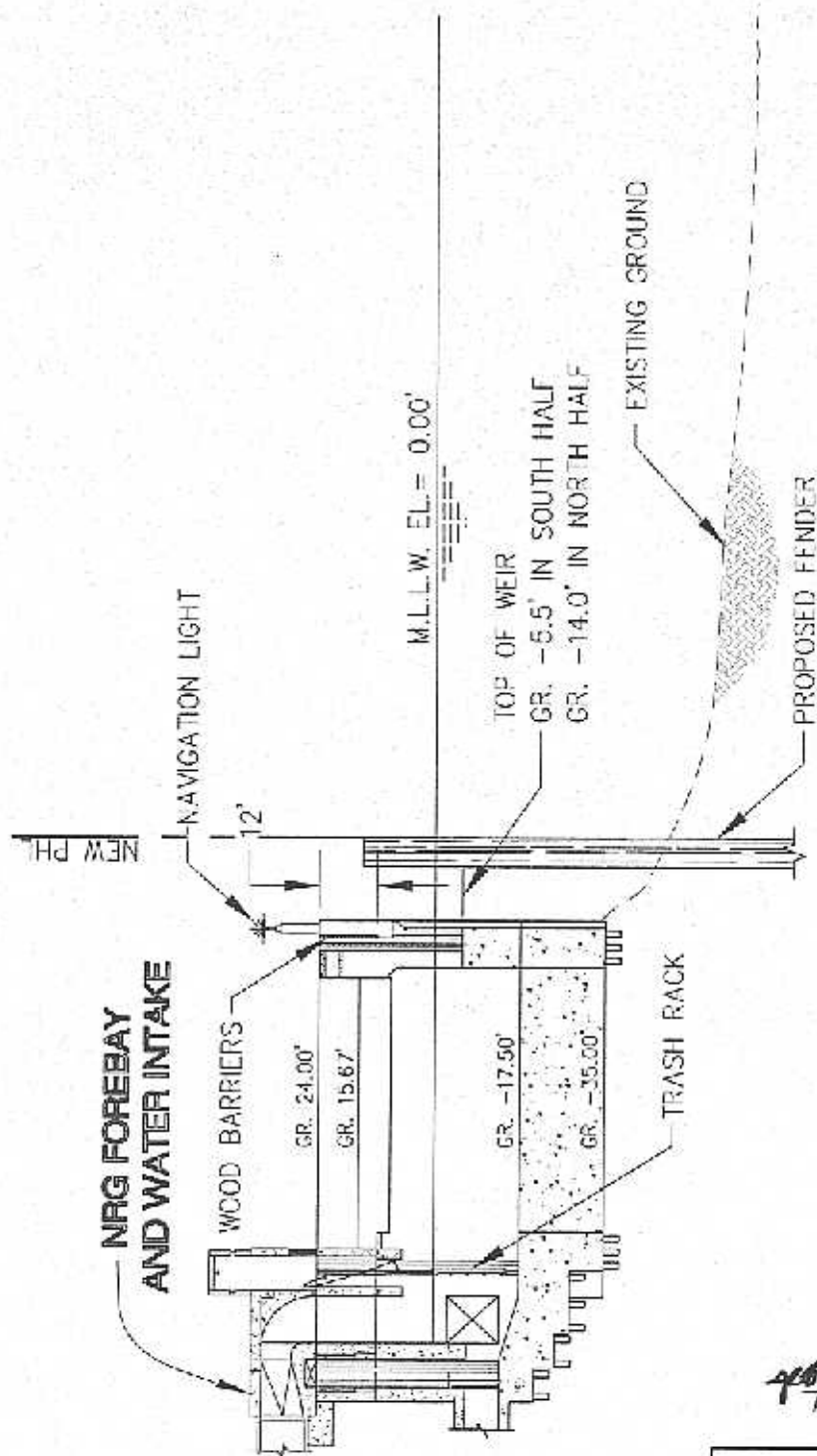
PROPOSED DREDGING

WITHIN LONG BEACH HARBOR DISTRICT
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STATE OF CALIFORNIA
APPLICATION BY PORT OF LONG BEACH

SHEET 6 OF 9

DATE: DEC. 2003

HD 02-0922-6



SECTION **D**
(SCALE: 1" = 40')

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APPROVED BY (CHIEF HARBOR ENGINEER)

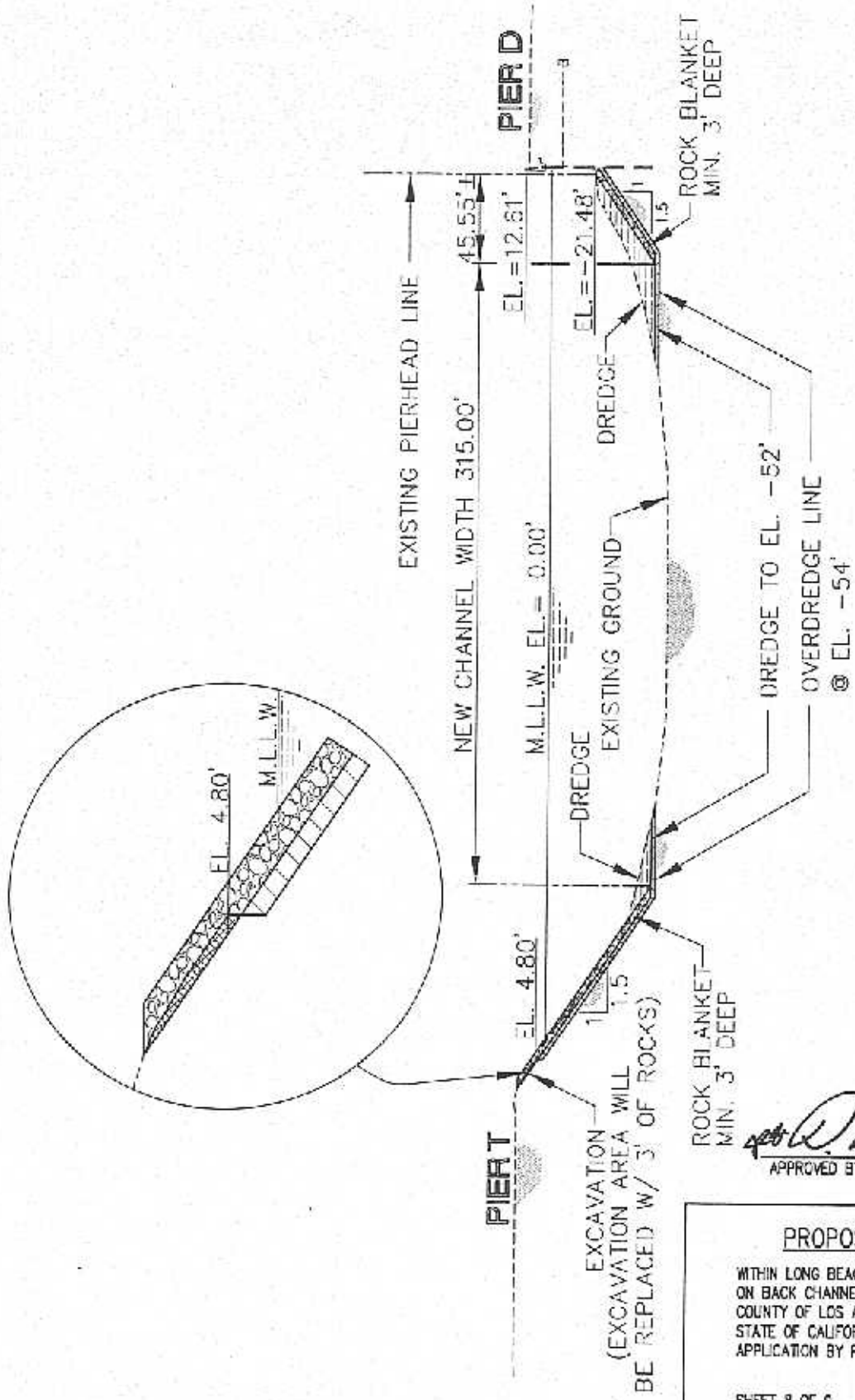
PROPOSED DREDGING

WITHIN LONG BEACH HARBOR DISTRICT
ON BACK CHANNEL AND INNER HARBOR
COUNTY OF LOS ANGELES
STATE OF CALIFORNIA
APPLICATION BY PORT OF LONG BEACH

SHEET 7 OF 9

DATE: DEC. 2003

HD 02-0922-7

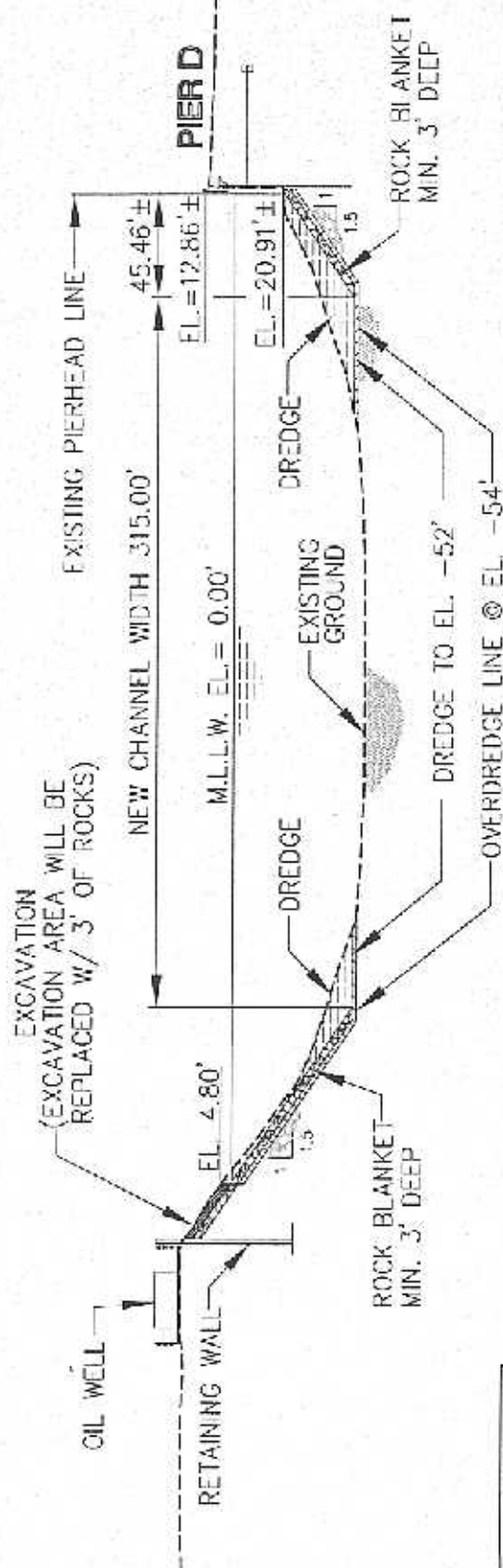


SECTION **E**
(SCALE: 1" = 80')

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APPROVED BY (CHIEF HARBOR ENGINEER)

PROPOSED DREDGING

WITHIN LONG BEACH HARBOR DISTRICT
ON BACK CHANNEL AND INNER HARBOR
COUNTY OF LOS ANGELES
STATE OF CALIFORNIA
APPLICATION BY PORT OF LONG BEACH



SECTION F
(SCALE: 1" = 80')

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APPROVED BY (CHIEF HARBOR ENGINEER)

PROPOSED DREDGING

WITHIN LONG BEACH HARBOR DISTRICT
ON BACK CHANNEL AND INNER HARBOR
COUNTY OF LOS ANGELES
STATE OF CALIFORNIA
APPLICATION BY PORT OF LONG BEACH

SHEET 9 OF 9

DATE: DEC. 2003

HD 02-C922-9